

REMARKS

The present remarks are in response to the Office Action dated August 28, 2008 in which the Office Action issued a rejection of claims 1-18, 24, 25, and 28-30. In this response, the Applicant has amended the independent claims 1, 13, 17, and 24. Additionally, the Applicant provides a response to the Office Action with detailed comments to overcome the rejections, and respectfully requests that the pending claims be placed in a state of allowance. No new matter has been added.

A. Claim Amendments

Although the Applicant disagrees with the Examiner's grounds for rejection, the Applicant has modified the independent claims 1, 13, 17 and 24 to expedite the prosecution of this patent application.

Firstly, all the claims have been amended to be directed to a mobile phone. More particularly, the claim Amendments for the independent claims include claiming a mobile phone having a processor, a memory and a display screen and enabling/causing the mobile processor to perform as a batch processor and as an animation engine. These claim limitations are taught *inter alia* in Figure 2, Figure 6, Paragraphs 0017-0021, 0023, 0031, 0033, and 0036-0037 of the published patent application 2005/0104886 A1.

Additionally, the elements of the animation file are claimed more particularly. The animation file as recently claimed comprises a plurality of images ordered for sequential display, a file identifier that indicates a file name for each image, a file format descriptor that indicates the stored format for each image, and a file size indicator that provides a file size for each image. Support for these claim elements are provided in *inter alia* Figure 2, Figure 6, Paragraphs 0021-0022, 0026-0028, 0037, 0047.

Furthermore, the Applicant has more particularly claimed that predetermining a maximum memory size for each segment file or set of images is based on the memory corresponding to the mobile phone and generating a first and second set of images with the processor, wherein the file size of each image aggregates to the

predetermined memory size. Support for these claim limitations is provided in *inter alia* Figure 2, Paragraph 0021, 0023, 0031, 0033, 0036, and 0042.

With respect to claim 1 and 13, the references to "segment files" have been replaced with reference to a first set of images, a second set of images, or each subset of images. References to "segment files" have been preserved for claims 17 and 24. Support for the set of images is provided in *inter alia* Paragraphs 0008, 0009, 0020, 0024-0028, 0039-0043.

B. Obviousness Rejections (35 U.S.C. § 103)

The Examiner has rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,841,432 to Carmel et al. (hereinafter referred to as "Carmel") in view of US Patent No. 5,692,117 to Berend (hereinafter referred to as "Berend") and US Patent No. 5,113,493 to Crosby (hereinafter referred to as "Crosby"). Applicant respectfully disagrees. However, to expedite the prosecution of this patent application, the Applicant has amended independent claims as described above.

On Page 5 of the Examiner's Action, the Examiner relies on Crosby (Col. 3 lines 56-64, Col. 6 lines 28-31, Col. 8 lines 13-43, Col. 9 lines 31-42, Col. 10 lines 64-68, and Col. 11 lines 4-16) for support of the Examiner's rejection regarding predetermining a maximum memory size corresponding to a maximum amount of memory usable to load images for each segment file.

Applicant respectfully submits that the cited portions of Crosby are directed to building an animation file having text, a foreground and background. See Col. 3, Lines 56-64. Crosby also teaches "artists' commands and corresponding parameters ... used to construct the animation file." See Col. 6 lines 28-31. Optimization through the grouping of records into super-records that take advantage of "natural" buffering techniques of the computer to be used; thus *all* the records of the animation file may be read into the computer memory at first or may be read in large groups of "super" records depending on file size and computer memory size; this reduces pauses caused by reading the record intermittently. See Col. 8 lines 13-23. Additionally, Crosby describes file size being kept within a limit of what may

be entirely read into main memory and all input can be accomplished prior to animation display. See Col. 8, lines 34-38.

Crosby does not teach predetermining a maximum memory size for a set of images corresponding to the animation file. Rather Crosby describes keeping the file size within the limits of what can be read into memory. The Examiner argues setting the file size to the limit of what may be entirely read into the memory “indicates” the file segments are broken up into multiple sets, however this “indication” is not expressly stated by Crosby.

Although the Applicant disagrees with the Examiner’s interpretation of Crosby, the Applicant has more particularly claimed the elements of Applicant’s animation file to include a plurality of images ordered for sequential display, a file identifier that indicates a file name for each image, a file format descriptor that indicates the stored format for each image, and a file size indicator that provides a file size for each image. Applicant respectfully submits that Crosby does not teach an animation file having a file identifier, file format descriptor, and file size indicator.

The Crosby animation file is described in Figure 2. There are four components to the Crosby animation file, namely, validate the command file 10, set graphics mode 12, build animation file 14, and reset text mode 16. See Crosby Col. 3, lines 36-42. The build animation file routine 14 includes putting text on the image 26, keeping the foreground as background 28, setting timing and other projection controls 30, recording the foreground image 32, clearing the image arrays 34, and merging the background image 36.

Crosby fails to teach a file identifier, a file format descriptor, and a file size indicator for each image. Additionally, Applicant respectfully submits that Carmel and Berend fail to teach these claim elements.

The Applicant has further amended the claims to include a mobile phone having a processor, a memory, and a display screen and enabling the mobile processor to perform as a batch processor and as an animation engine. Applicant respectfully submits that none of the cited references are directed to a mobile phone having a processor that performs as a batch processor and as an animation engine. Additionally, the Applicant has distinguished between the operations of the batch processor and the animation engine. The batch process builds animation segment

files that have a size up to predetermined memory size. The animation engine then retrieves each segment file that is loaded in the memory. The Applicant respectfully submits that a mobile processor that performs the batch processor and the animation engine operations are not taught by either Carmel, Berend, Crosby, or the combination thereof and this limitation would not be obvious to one of ordinary skill in the art.

The Examiner's most recent action states that Crosby teaches the batch processing functions of segmentation in Figure 2 and Col. 8, lines 13-16, 22-23 and 33-43. See Page 20 Examiner's Action. Applicant respectfully disagrees because there is no reference to a processor that performs the operations of batch processor and an animation engine. Additionally, the records and "super-records" do not include the elements of the animation file, namely, the file identifier, file format descriptor, and file size indicator for each image. Furthermore, there is no reference to a mobile phone application.

With respect to the animation engine, Crosby simply describes "get the animation file" and "show animation." The Applicant's animation engine in claim 17 performs a host of operations including retrieving the first segment file with the animation engine, extracting a callback identifier with the animation engine associated with the second segment file, retrieving the second segment file with the animation engine.

Additionally, the Applicant's amended claims include the elements of the animation file, namely, the file identifier, file format descriptor, and file size indicator for each image. Again, Crosby does not teach these limitations, especially in the context of an animation engine and batch processor for a mobile processor.

The Examiner's rejection and comments also rely on Carmel. Carmel describes a system and method for "building data files for transmission over a network for display to an end user in real time." See Carmel, col. 1, lines 9-11. Carmel continues by describing a method for building data files and transferring data from the data files to deliver real time animation to an end user over a network. Id, col. 1, lines 23-28. In order to implement Carmel, it becomes necessary to cut down the information passed *through the network* down to the minimum required for

display on an animation file on a frame-by-frame basis. See Carmel, Col. 4, lines 1-8 (cited in Examiner's Action at Page 4, line 4).

There is no teaching in Carmel that teaches a mobile phone with an embedded processor, a limited memory, and a display having an animation file that includes a plurality of images ordered for sequential display, a file identifier that indicates a file name for each image, a file format descriptor that indicates the stored format for each image, and a file size indicator that provides a file size for each image. In fact, Carmel teaches away from Applicant's claims because Carmel relies on network communications and Carmel fails to describe the animation file claimed by Applicant.

C. Conclusion

In view of all of the foregoing, claims 1-18, 24-25, and 28-30 overcome the Office Action rejection herein and are now patentably distinct and in condition for allowance, which action is respectfully requested.

Respectfully Submitted;

Dated: November 20, 2008

/George W. Luckhardt/
George W. Luckhardt
Reg. No. 50,519

George W. Luckhardt
Kyocera Wireless Corp.
Attn: Patent Department
P.O. Box 928289
San Diego, California 92192-8289
Tel: (858) 882-2593
Fax: (858) 882-4221